



County of El Dorado

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Legislation Details (With Text)

File #: 07-1012 **Version:** 1

Type: Agenda Item **Status:** Approved

File created: 6/5/2007 **In control:** Board Of Supervisors

On agenda: 7/17/2007 **Final action:** 7/17/2007

Title: Transportation Department recommending Chairman be authorized to sign the Easement Acquisition Agreement and the Certificate of Acceptance for an easement on APNs 036-554-09 and 036-554-11 (Blankenship), subject to review and approval by County Counsel; and the Easement Acquisition Agreements and the Certificates of Acceptance for easements on APNs 036-491-05 (Mosbacher) and 036-370-26 (Batch) for the Christmas Valley Phase 1 Erosion Control and Stream Environment Zone Enhancement Project (JN 95151/95188).
RECOMMENDED ACTION: Approve.

FUNDING: California Tahoe Conservancy.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Batch Easement Documents.pdf, 2. Blankenship Easement Documents.pdf, 3. Mosbacher Easement Documents.pdf, 4. CHR1_LocationMap Fig_A.pdf, 5. CHR1_LocationMap Fig_B-1.pdf, 6. CHR1_LocationMap Fig_B-2.pdf, 7. CHR1_LocationMap Fig_B-3.pdf, 8. Christmas Valley Phase 1 Erosion rcvd 11-14-07.pdf

Date	Ver.	Action By	Action	Result
7/17/2007	1	Board Of Supervisors	Approved	Pass

Transportation Department recommending Chairman be authorized to sign the Easement Acquisition Agreement and the Certificate of Acceptance for an easement on APNs 036-554-09 and 036-554-11 (Blankenship), subject to review and approval by County Counsel; and the Easement Acquisition Agreements and the Certificates of Acceptance for easements on APNs 036-491-05 (Mosbacher) and 036-370-26 (Batch) for the Christmas Valley Phase 1 Erosion Control and Stream Environment Zone Enhancement Project (JN 95151/95188).

RECOMMENDED ACTION: Approve.

FUNDING: California Tahoe Conservancy.

BUDGET SUMMARY:		
Total Estimated Cost		\$5,550.00
Funding		
Budgeted	\$5,550.00	
New Funding	\$	
Savings	\$	
Other	\$	
Total Funding Available	\$5,550.00	

Change To Net County Cost		\$0
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Fiscal Impact/Change to Net County Cost:

Funding for this Project has been secured from the California Tahoe Conservancy (CTC). The easement fees on APNs 036-491-05 and 036-370-26 are each \$500; the easement fee for APNs 036-554-09 and 036-554-11 is \$550; title and escrow fees for all three easements are estimated to be \$4,000. There is no cost to the County General Fund

Reason for Recommendation:

The Christmas Valley Phase 1 Erosion Control & SEZ Enhancement Project (Project) area is located in eastern El Dorado County, in the Lake Tahoe Basin, east of the Upper Truckee River, west of State Route 89. The Project area generally is bounded by the Upper Truckee River to the west, Portal Drive to the north, State Route 89 to the east, and Grass Lake Creek to the south. The Project area includes subdivisions Grass Lake Creek Nos. 1 & 2, a portion of River Park Estates Unit 2, and a portion of Section 17 T.11.N R.18.E. MDM (see attached Figure A).

The Project consists of construction of erosion control improvements including curb and gutter with tie-in pavement, sediment traps, drainage inlets, culverts, headwalls, grass-lined channels, and rock-lined channels. Some of these improvements will need to be constructed outside of the County right-of-way, and therefore will require easements.

Permanent Easement - APNS 036-554-09 and 036-554-11 (Blankenship)

This property contains two Assessor's Parcel Numbers for tax purposes only and is considered only one legal parcel (see attached Exhibit "1"). Therefore, a single permanent easement is being proposed. Currently, storm water from the Caltrans and County rights-of-way drains through a culvert under Grass Lake Road and into an existing rock-lined channel that traverses across this privately owned parcel. At this time there is no drainage easement across the parcel. The purpose of this easement is to provide the County access to inspect and maintain this existing rock-lined channel.

The Department proposes to replace an existing 18" Corrugated Metal Pipe (CMP) culvert that crosses Grass Lake Road near the subject property's driveway. Both areas surrounding the inlet and outlet of the culvert are within the right-of-way and will be cleaned out and lined with river rock to act as an energy dissipator. The outlet of the pipe will be tied into the existing rock-lined channel next to the garage and home on the subject property. The proposed easement area is approximately 1,874 square feet (SF) (see attached Figure B-1).

Although the owner has signed the Consent to Easement and Agreement to Subordinate (Subordination Agreement) associated with the Deed of Trust outstanding on the parcel, the Transportation Department (Department) has not yet received the signed and notarized Subordination Agreement from the lender. Because this acquisition is on a tight time frame and a number of the future Board meetings are canceled, the Department is recommending that the Board authorize the Chairman to sign the Easement Acquisition Agreement and the Certificate of Acceptance for the parcel upon the Department's submittal and the Board Clerk's receipt of the signed and notarized Subordination Agreement from the lender. Should the lender require modifications to the Subordination Agreement, the Department will submit the modifications to County Counsel for review. If the modifications are such that a revised Subordination Agreement is

necessary, the Department will transmit the modified Subordination Agreement to the owner to sign and have notarized.

Permanent Easement - APN 036-491-05 (Mosbacher)

Currently, storm water from the County right-of-way drains through a culvert under Grass Lake Road and into an existing swale that is filled with sediment and debris. The sediment has built up over the years causing the storm water to back up and not drain properly. The swale is located on the subject private parcel and at this time the County has no drainage easement across the parcel. The Department proposes a new culvert crossing to be installed in the County right-of-way. The Department proposes to convey flows from this culvert to the Upper Truckee River via a new grass-lined swale on the subject property. The new swale will direct flows away from an existing barn on the adjacent parcel owned by the owner of the subject parcel. The Department also proposes to repair the eroded bank of an oxbow to the Upper Truckee River on the subject property by installing rootwad bank protection at the eroded area and backfilling the structure. Within the proposed easement, sod would be salvaged and transplanted to the new swale. Areas within the easement disturbed by the construction would be revegetated, and County staff would irrigate the revegetated areas and the transplanted sod for two years following construction completion to ensure the vegetation establishment is successful. A permanent easement is being requested in order to construct, inspect, repair, and maintain these improvements. The proposed easement area is approximately 9,945 SF (see attached Figure B-2).

Permanent Easement APN 036-370-26 (Batch)

During times of high runoff, one of the tributary channels of Grass Lake Creek has been blocked with debris causing the water to flow out of the channel and across an access road on the subject property, with the flows eventually making it to Grass Lake Road. The Department proposes installing Asphalt Concrete (AC) Dike on one side of this access road, so that during high flow events, if the water leaves the channel it will be directed back into a tributary of Grass Lake Creek via the proposed AC Dike and an AC Swale proposed for construction at the end of Grass Lake Road. The purpose of the proposed permanent easement is to install, inspect, and maintain the proposed AC Dike. The proposed easement area is approximately 189 SF (see attached Figure B-3).

Action to be taken following Board approval:

- 1) When the lender signs the Consent to Easement and Agreement to Subordinate for the easement for APNs 036-554-09 and 036-554-11, and the Department delivers it to the Board Clerk, the Board Chairman will sign the Certificate of Acceptance and the Easement Acquisition Agreement. Upon signing, the Board Clerk will send these documents along with the Grant of Easement and Consent to Easement and Agreement to Subordinate to the Department.
- 2) After the Chairman signs the Easement Acquisition Agreements and the Certificates of Acceptance for the easements for APNs 036-491-05 and 036-370-26, the Board Clerk will send these documents along with the Grants of Easement to the Department.
- 3) The Department will prepare a request for the Auditor to prepare a check for the total value of the easements on APNs 036-491-05 and 036-370-26. Since the Consent to Easement and Agreement to Subordinate signed by the lender for the easement for APNs 036-554-09 and 036-554-11 has yet not been received, the Department will prepare a separate request

for the Auditor to prepare a check for the value of this easement once the Chairman has signed the applicable documents.

- 4) Upon receipt of each check, the Department will transmit each check with the applicable documents to Placer Title Company for escrow closure, which includes recordation of the Grant of Easement, the Certificate of Acceptance, and, where applicable, the Consent to Easement and Agreement to Subordinate.
- 5) Once the Department receives the recorded documents, the Department will transmit copies to the owners and the CTC.

Contact:

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Director of Transportation

Concurrences: